

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH STONE,)	
)	Case No. C07-0209RSL
Petitioner,)	
v.)	
UNITED STATES OF AMERICA,)	ORDER DENYING SECOND
)	REQUEST FOR CERTIFICATE OF
Respondent.)	APPEALABILITY

This matter comes before the Court on petitioner’s second “Notice of Appeal” filed in the above-captioned case. The Court considers this notice as a second request for a certificate of appealability under 28 U.S.C. § 2253(c). Pursuant to the Antiterrorism and Effective Death Penalty Act of 1996, petitioner may not appeal the denial of a habeas corpus petition unless the district court or the Ninth Circuit issues a certificate of appealability identifying the particular issues that may be pursued on appeal. United States v. Asrar, 116 F.3d 1268 (9th Cir. 1997). In order to obtain such a certificate, the petitioner must make a substantial showing of the denial of a constitutional right. The Court and the Ninth Circuit have already determined that the dismissal of Mr. Stone’s constitutional claims is not debatable among reasonable jurists and that his petition should not proceed further: the subsequent denial of his motion for reconsideration does not alter this outcome.

